

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA OF
NORTHERN DIVISION

| | | |
|--------------------------------|---|------------------------|
| LARYIE EARL JONES, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | CASE NO. 2:05-cv-005-F |
| |) | WO |
| ANTHONY CLARK, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

(1) The plaintiff's objection (Doc. #32) to the Recommendation of the Magistrate Judge (Doc. #26) filed on April 11, 2005 is overruled;

(2) The Recommendation of the Magistrate Judge entered on March 22, 2005 is adopted;

(3) Plaintiff's claims against defendant Merrel are DISMISSED with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B).

(4) Defendant Merrel is DISMISSED as a party to this case.

(5) This case, with respect to the remaining defendants, is referred back to the magistrate judge for further proceedings.

DONE this 4th day of May, 2005.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE

